IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15927 of 2004

Between:

1 Nayudu Vijaya Bhaskar, S/o. Pinnayya,
R/o. Kotiripadu, Guntur, Guntur District.
2 Muppavarapu Suresh Kumar, S/o. Ramachandra Rao,
R/o. Kotiripadu, Guntur, Guntur District.
3 Marri Vasubabu, S/o. Lakshminarayana,
R/o. Tikkireddipalem Village, Prattipadu Mandal, Guntur

District.
4 Popuri Padmavathi, W/o. Nageswara Rao,
R/o. Rajendra Nagar, Guntur Town, Guntur.
5 Macharla Madhavai, W/o. Yugandhar Kumar,
R/o. Kotiripadu, Guntur, Guntur District.
6 Yarraguntla Hari Babu, S/o. Venkateswara Rao,
R/o. Kotiripadu, Guntur, Guntur District.
7 Veerapaneni Sridevi, W/o. Srinivasa Rao,
R/o. Chammallamudi Village, Vatticher Kuru Mandal, Guntur

District.
8 Narra Padmavathi, W/o. Narayana Rao,
R/o. Ananthavarappadu Village, Vatticher Kuru Mandal,

Guntur District.
9 Gunireddy Kotireddy, S/o. Ramireddy,
R/o. Chandramouleswara Nagar, Guntur District.
10 Gollakaram Rama Rao, S/o. Lakshminarayana,
R/o.S.V.N. Colony, Guntur District.
11 Vatukuri Prabhakra Rao, S/o. Hanumantha Rao,
R/o. Guntur City, Guntur, Guntur District.
12 Doddala Gopichand, S/o. Venkata Rao,
R/o. Guntur, Guntur District.
13 Narra Sambasiva Rao, S/o. Lakshminarayana,
R/o. Mandapadu Village, Medikonduru Mandal, Guntur

District.

... PETITIONERS

AND

1 The Superintendent of Police, Guntur.
2 The Station House Officer, Guntur Rural Police Station, Guntur, Guntur District.
3 The Mandal Executive Magistrate, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 1 and 2 in implementing the orders passed by the third respondent vide proceedings in M.C.NO.01/2004 dated 22-6-2004 and restricting encroacher from encroaching the Land in D.No.281 of Pedapalakaluru Revenue Village of Guntur District as illegal, and contrary to Article 300-A of the Constitution of India.

Counsel for the Petitioners: MR.P.VIJAYA KIRAN

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

The petitioners seek a writ of Mandamus declaring the alleged inaction on the part of respondents 1 and 2 in implementing the orders passed by the third respondent-Mandal Executive Magistrate, Guntur District in M.C.No.1 of 2004 dated 22-06-2004 and restricting the encroachers from encroaching upon the land bearing Door No.281 of Pedapalakaluru Revenue Village, Guntur District, as arbitrary and illegal and violative of Article 300-A of the Constitution of India.

The case of the petitioners is that they are the owners of different plots situated in D.No.281, Pedapalakaluru Village, Guntur District, having purchased the same from Vijaya Housing Society under registered sale deeds. While so, on 19-06-2004 when

one Yanamadala Venkata Suresh and 500 other persons tried to encroach into their lands, they objected for the same and gave a complaint to the Sub-Inspector of Police, Guntur Rural, who, in turn, registered the same as Crime No.196 of 2004. That apart, in pursuance of the request of the second respondent to issue orders under Section 145 Cr.P.C as there is likelihood of arising law and order problem, the third respondent issued orders under Section 145 of Cr.P.C. In spite of the same, some encroachers are encroaching into the land. The petitioners made a representation dated 21-8-2004 bringing to the notice of the first respondent about the said encroachments. However, no action has been taken. Hence, this writ petition.

This Court, while directing notice to respondents by order dated 13-09-2004 directed the first respondent to consider the representation of the petitioners dated 21-08-2004 and to pass appropriate orders in accordance with law.

On behalf of respondents 1 and 2, Sub-Inspector of Police, Guntur Rural Police Station, Guntur District filed a counter-affidavit stating that on the basis of the complaint lodged by the petitioners dated 20-06-2004, alleging that some persons have encroached into their lands illegally, after due investigation, the second respondent registered a case in Crime No.195 of 2004, under Sections 447, 427, 379, 506, read with Section 34 IPC and Section 5 of the A.P. Land Grabbing (Prohibition) Act, 1982 and arrested the persons who encroached into the lands of the petitioners and remanded them to the judicial custody. One person by name Sri Ravi was not arrested as he was absconding and his whereabouts are not known and the said case is pending investigation. It is further stated that one Chirutanagalla Venkateswarlu lodged a complaint before the second respondent on 21-06-2004 alleging that the above persons, who are accused in Crime No.195 of 2004 have encroached into his land and requested the second respondent to take necessary action. Thereafter, the second respondent registered a case in Crime No.196 of 2004 under Sections 447, 427, 379, 506, read with Section 34 IPC and under Section 5 of the A.P. Land Grabbing (Prohibition) Act, 1982. It is also stated that in compliance with the interim orders of this Court, the first respondent considered the representation made by the petitioners dated 21-08-2004 and directed the second respondent to strictly implement the orders under Section 145 of Cr.P.C. issued by the third respondent and set up the police picket at the lands in question. Accordingly, the second respondent implemented the directions of the first

respondent by enhancing the police staff i.e. one Head Constable and four Constables and that the situation at the lands of the petitioners is now under control and no untoward incidents have taken place. The allegation of the petitioners that even after initiating the proceedings under Section 145 Cr.P.C., the accused in the above said crimes are encroaching into the lands of the petitioners has been denied.

Having regard to the averments in the counter affidavit, explaining the steps taken by them, no further adjudication is necessary in this writ petition.

Accordingly, recording the statements of respondents 1 and 2 in their counter, the writ petition is disposed of. No costs.

_____

10-11-2004

kdl

To

1 The Superintendent of Police, Guntur.
2 The Station House Officer, Guntur Rural Police Station, Guntur,

Guntur District.
3 The Mandal Executive Magistrate, Guntur, Guntur District.

4 Two C.Cs to the Government Pleader for Home, High Court

Buildings, A.P., Hyderabad. (OUT)

5 Two C.D copies.